IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Chamber Summons No. 453 of 2006
in
Suit No. 2726 of 2003

Bharati Suresh Shroff and ors. plaintiffs
vs
Kapil Gautam Thakore and ors.. .. defendants
and
Deepak Aggarwal and anr.. respondents

Mr Prateety Seksaria i/b Tyabji Doyabhai and co for plaintifs

Mr M S Dalvi i/b Negandhi Shah for defendants

Mr. Prashant Beri i/b Beri and co for respondent no.l

**CORAM: S.C.DHARMADHIKARI J.**

**DATED l8.4.2006**

**P.C.**

. Mr Seksaria for the plaintiffs states that notice of this chamber summons has been served on the parties. The defendant nos.l to 3 are absconding and that fact is noted by this court in its order dated l6.9.2003. Yet, fresh attempt was made but none appears on their behalf. The defendant nos. 4 to ll. are represented through their advocate so also lst respondent. Considering the fact that several attempts were made to implement this court’s order dated l6.9.2003 and various offers were received but could not

fructify, this is a fit case where the property described at Exh A to the plaint be sold by the Court Receiver High Court Bombay and in that behalf he is at liberty to consider the offer made by lst respondent for Rs.45 lacs. The lst respondent has made the offer vide his letter dated 28.3.2006 (Exh O to the affidavit in support of this chamber summons) and the said offer is valid till 30.4.2006. He has deposited by demand draft Rs.50,000 with the Court Receiver.The Court Receiver to consider such offer and if the terms and conditions are complied with by this purchaser proceed to dispose of the property at the price offered by him. In case all terms and conditions are complied with, the Court Receiver is at liberty to move this court and seek appropriate orders with regard to disbursemnt of sale proceeds. Chamber Summons is granted in terms of prayer clause (a) and (b). This order is passed by consent of defendant.nos. 4 to ll.

. All the parties concerned to act on the ordinary copy of this order duly authenticated by the private secretary of this court.